

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION**

RODERICK A. HALL,

Plaintiff,

v.

MATTHEW POWELL, SEAN LONG,
BRADY LEWIS,
and RICK MALDONADO,

Defendants.

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Civil Action No. 5:18-CV-243-C

NOTICE OF REMOVAL

TO THE UNITED STATES DISTRICT CLERK:

Please take Notice that Defendants Matthew Powell and Sean Long hereinafter referred to as “Defendants,”¹ hereby remove to this Court the state court action described below, pursuant to 28 U.S.C. §§ 1441 and 1446, and show the Court as follows:

I.

COURT’S JURISDICTION—FEDERAL QUESTION

This is a civil action in which this Court has original jurisdiction pursuant to 28 U.S.C. § 1331 (federal question), and is one which may be removed to this Court by Defendants pursuant to 28 U.S.C. § 1441(a). The Plaintiff filed a Petition on November 2, 2016 asserting that the Defendants allegedly violated his constitutional rights by failing to “re-arraign Plaintiff . . . , thus violating his 14th Amendment right to Due Process.” *See* Pl.’s Pet. at 5. Additionally, a claim for “vindictive and malicious prosecution” is asserted against Defendants. *See* Pl.’s Pet. at 7. Specifically as to Defendants Brady Lewis and Rick Maldonado, Plaintiff alleges that the Lubbock Police Department Officers conducted an illegal search of his home thereby “violating

¹ Additional Defendants who have been sued, but not served, are Brady Lewis and Rick Maldonado; therefore, their consent for removal is not needed. *See* 28 U.S.C. § 1446(b)(2)(A).

Plaintiff's 4th Amendment right to protection from illegal search and seizure." *See* Pl.'s Pet. at 6. Therefore, the Plaintiff has asserted causes of action which invoke this Court's federal question jurisdiction. The Plaintiff also seeks monetary relief.

II. TIMELINESS OF REMOVAL

The Plaintiff filed an Original Petition on November 2, 2016. Defendants were served on September 10, 2018. Defendants are removing this case within 30 days of the lawsuit having been served. *See* 28 U.S.C. § 1446(b).

III. VENUE

Venue is proper in the Lubbock Division of the Northern District of Texas because a substantial part of the events or omissions giving rise to Plaintiff's claims occurred within the Lubbock Division. *See* 28 U.S.C. § 1391.

IV. JURY DEMAND

Defendants made a Jury Demand in the state court action. *See* Defs.' Answer at 3.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that notice be taken of the removal of the above-mentioned action now pending in the 237th Judicial District Court of Lubbock County, Texas, styled *Roderick A. Hall v. Matthew Powell, Sean Long, Brady Lewis, and Rick Maldonado* bearing Cause No. 2016-523,100 from that court to this Honorable Court.

Respectfully submitted,

/s/ Matt D. Matzner

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*Counsel for Defendants Matthew Powell
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CERTIFICATE OF SERVICE

A true and correct copy of the above and foregoing was on this 28th day of September 2018, served as follows:

VIA CERTIFIED MAIL, RRR

NO. 7018 0360 0000 5314 8169

Roderick A. Hall #1985715

Neal Unit

9055 Spur 591

Amarillo, Texas 79107

Pro se Plaintiff

/s/ Matt D. Matzner

OF COUNSEL